

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

CONSUMER FINANCIAL
PROTECTION BUREAU, *et al.*,

Plaintiff,

v.

NEXUS SERVICES, INC., *et al.*,

Defendants.

No.: 5:21-cv-00016-EKD-JCH

DEFENDANTS' MOTION FOR A TEMPORARY STAY PENDING
APPEAL

Pursuant to Federal Rule of Civil Procedure 62(d), Title 28 of the United States Code, section 1651(a), and under the Court's inherent powers, Defendants, Nexus Services, Inc. ("Nexus"), Libre by Nexus, Inc. ("LBN" and with Nexus "Nexus Companies"), Micheal Donovan ("Mr. Donovan"), Richard Moore ("Mr. Moore"), and Evan Ajin ("Mr. Ajin") by counsel, respectfully move this Court for an order staying certain injunctive portions of its Amended Judgment and Order for 45 days, and for an interim order staying enforcement of the same provisions pending determination of this Motion.

In support of this motion, Defendants submit a memorandum of law in support of this motion, dated April 11, 2024, a Declaration of Zachary Lawrence,

Declaration of Vincent J. Smith, and Declaration of Micheal Donovan, all filed contemporaneously with this motion.

Defendants specifically move this Court to enter an order staying the enforcement of the following provisions for 45 days to allow for the sale and reorganization of Nexus Companies, which should prevent irreparable harm, benefit the public and plaintiffs:

1. Injunctive provisions contained in paragraph 17(b) to the extent it requires Defendants to release, or transfer, or otherwise alienate all money owed pursuant to judgment;
2. Injunctive provisions contained in paragraph 17(a) to the extent that it enjoins Nexus Companies from receiving payments in the normal course of business that become due after the Effective Date;
3. Injunctive provisions of paragraph 19(a) and (b) to the extent that they would enjoin a sale of Nexus Companies to a third party;
4. Injunctive provisions of paragraphs 21, 29, 34, 38, 43 to the extent they are considered injunctive in nature and not part of a monetary judgment subject to Federal Rules of Civil Procedure 62(a);
5. The application of paragraph 54 to the extent it requires reporting of developments prior to their existence;

6. The application of paragraph 56 to the extent it requires reporting of change prior to their existence;
7. The application of paragraphs 59, 61, and 62;
8. The application of paragraph 65 to the extent it requires the creation of a new centralized record keeping system; and
9. The application of paragraph 69.

Dated: April 11, 2024

Washington, DC

Respectfully submitted,

/s/Zachary Lawrence

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